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OFFICE OF PETITIONS

In re Application of	:	
Someya, et al.	:	
Application No. 10/716,634	:	DECISION ON PETITION
Filed: November 20, 2003	:	
Attorney Docket No. 1190-0584P	:	

This is a decision on the "PETITION TO WITHDRAW ABANDONMENT AND OPTIONAL PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(B)", filed April 25, 2006. The petition was recently forwarded to the Office of Petitions for consideration.

The petition to withdraw the holding of abandonment is **GRANTED**.

The petition under 37 CFR 1.137(b) is **DISMISSED AS MOOT**.

The above-identified application was held abandoned for failure to timely respond to a Corrected Notice of Allowance, mailed September 1, 2005. This Notice set a statutory period for reply of three (3) months. No response to the Notice of Allowance having been received, the application became abandoned on December 2, 2005. The Office mailed a Notice of Abandonment on April 6, 2006. In response, Applicants timely filed the instant petition.

Petitioner argues that the Corrected Notice of Allowance should never have been mailed. Petitioner points out, and a review of the record confirms, that the Office mailed a first Notice of

Allowance and Notice of Allowability on May 3, 2005. Applicants timely filed the issue fee on August 2, 2005 (the Notice of Allowability did not require a response). Thereafter, according to petitioner, the examiner initiated a telephone interview on August 29, 2005, and obtained approval for an Examiner's Amendment. In response, the Office mailed a Supplemental Notice of Allowability and a Corrected Notice of Allowance.

The Office agrees with petitioner's contention that in this instance, the Corrected Notice of Allowance should not have been mailed.

In view thereof, **the holding of abandonment is withdrawn.**

Given the basis for granting this petition, the \$1500 fee for the petition to revive has been refunded to Deposit Account No. 02-2448.

The matter is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions